



Rep. John D. Cavaletto

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09800HB4866ham001

LRB098 16477 RLC 56356 a

1 AMENDMENT TO HOUSE BILL 4866

2 AMENDMENT NO. _____. Amend House Bill 4866 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Use of Intoxicating Compounds Act is
5 amended by changing Sections 1, 2, and 4 as follows:

6 (720 ILCS 690/1) (from Ch. 38, par. 81-1)

7 Sec. 1. Use or possession prohibited.

8 (a) No person shall ingest, breathe, inhale or drink any
9 compound, liquid, or chemical containing toluol, hexane,
10 trichloroethylene, acetone, toluene, ethyl acetate, methyl
11 ethyl ketone, trichloroethane, isopropanol, methyl isobutyl
12 ketone, methyl cellosolve acetate, cyclohexanone, the
13 alkaloids atropine, hyoscyamine, or scopolamine, ~~or any other~~
14 ~~substance~~ for the purpose of inducing a condition of
15 intoxication, stupefaction, depression, giddiness, paralysis
16 or irrational behavior, or in any manner changing, distorting

1 or disturbing the auditory, visual or mental processes. For the
2 purposes of this Act, any such condition so induced shall be
3 deemed to be an intoxicated condition.

4 (b) No person shall possess any substance not listed in
5 this Act for the purpose of inducing in the user a condition of
6 intoxication, stupefaction, depression, giddiness, paralysis,
7 or irrational behavior, or in any manner changing, distorting,
8 or disturbing the auditory, visual, or mental processes. For
9 the purposes of this Act, any of these conditions so induced
10 shall be deemed to be an intoxicated condition. This subsection

11 (b) does not apply to:

12 (1) distilled spirits, wine, malt beverages, or
13 tobacco, as those terms are defined or used in the Liquor
14 Control Act of 1934 and the Tobacco Products Tax Act of
15 1995;

16 (2) any product or substance regulated by the federal
17 Food and Drug Administration; or

18 (3) any controlled substance listed in the Illinois
19 Controlled Substances Act.

20 (Source: P.A. 89-235, eff. 8-4-95; 89-640, eff. 1-1-97.)

21 (720 ILCS 690/2) (from Ch. 38, par. 81-2)

22 Sec. 2. Sale or delivery prohibited.

23 (a) No person shall knowingly sell or offer for sale,
24 deliver or give to any person under 17 years of age, unless
25 upon written order of such person's parent or guardian, any

1 compound, liquid, or chemical containing toluol, hexane,
2 trichloroethylene, acetone, toluene, ethyl acetate, methyl
3 ethyl ketone, trichloroethane, isopropanol, methyl isobutyl
4 ketone, methyl cellosolve acetate, cyclohexanone, ~~or any other~~
5 ~~substance which will induce an intoxicated condition, as~~
6 ~~defined herein,~~ when the seller, offeror, or deliverer knows or
7 has reason to know that the compound is intended for use to
8 induce such condition.

9 (b) No person shall knowingly sell or offer for sale,
10 deliver, or give to any person any compound, liquid, or
11 chemical containing alkaloids atropine, hyoscyamine, or
12 scopolamine when the seller, offeror, or deliverer knows or has
13 reason to know that the compound, liquid, or chemical is
14 intended for use to induce an intoxicated condition.

15 (c) No person shall knowingly sell or offer for sale,
16 deliver, or give to any person any substance not listed in this
17 Act which will induce an intoxicated condition, as defined in
18 this Act, when the seller, offeror, or deliverer knows or has
19 reason to know that the compound is intended for use to induce
20 that condition.

21 (Source: P.A. 89-235, eff. 8-4-95; 89-640, eff. 1-1-97.)

22 (720 ILCS 690/4) (from Ch. 38, par. 81-4)

23 Sec. 4. Sentence.

24 (a) Except as otherwise provided in subsection (b), (c), or
25 (d), violation of this Act is a Class C misdemeanor for a first

1 offense and a Class A misdemeanor for a second or subsequent
2 offense.

3 (b) (1) The knowing ingestion of any compound, liquid, or
4 chemical containing the alkaloids atropine, hyoscyamine,
5 or scopolamine is a Class A misdemeanor.

6 (2) The sale, offer for sale, delivery, or giving to
7 any person of a compound, liquid, or chemical containing
8 the alkaloids atropine, hyoscyamine, or scopolamine is a
9 Class 4 felony.

10 (3) This subsection (b) does not prohibit the sale,
11 offer for sale, delivery, giving, or ingestion of a
12 compound, liquid, or chemical containing the alkaloids
13 atropine, hyoscyamine, or scopolamine under the direction
14 or prescription of a practitioner authorized to so direct
15 or prescribe as provided in Section 3.

16 (c) Any person who violates subsection (b) of Section 1 of
17 this Act with respect to:

18 (1) not more than 2.5 grams of a prohibited substance
19 is guilty of a Class C misdemeanor;

20 (2) more than 2.5 grams but not more than 10 grams of a
21 prohibited substance is guilty of a Class B misdemeanor;

22 (3) more than 10 grams but not more than 30 grams of a
23 prohibited substance is guilty of a Class A misdemeanor;
24 provided, that if any offense under this subsection (c) is
25 a subsequent offense, the offender shall be guilty of a
26 Class 4 felony;

1 (4) more than 30 grams but not more than 500 grams of a
2 prohibited substance is guilty of a Class 4 felony;
3 provided that if any offense under this subsection (c) is a
4 subsequent offense, the offender shall be guilty of a Class
5 3 felony;

6 (5) more than 500 grams but not more than 2,000 grams
7 of a prohibited substance is guilty of a Class 3 felony;

8 (6) more than 2,000 grams but not more than 5,000 grams
9 of a prohibited substance is guilty of a Class 2 felony;

10 (7) more than 5,000 grams of a prohibited substance is
11 guilty of a Class 1 felony.

12 (d) Any person who violates subsection (c) of Section 2 of
13 this Act with respect to:

14 (1) not more than 2.5 grams of a prohibited substance
15 is guilty of a Class B misdemeanor;

16 (2) more than 2.5 grams but not more than 10 grams of a
17 prohibited substance is guilty of a Class A misdemeanor;

18 (3) more than 10 grams but not more than 30 grams of a
19 prohibited substance is guilty of a Class 4 felony;

20 (4) more than 30 grams but not more than 500 grams of a
21 prohibited substance is guilty of a Class 3 felony for
22 which a fine not to exceed \$50,000 may be imposed;

23 (5) more than 500 grams but not more than 2,000 grams
24 of a prohibited substance is guilty of a Class 2 felony for
25 which a fine not to exceed \$100,000 may be imposed;

26 (6) more than 2,000 grams but not more than 5,000 grams

1 of a prohibited substance is guilty of a Class 1 felony for
2 which a fine not to exceed \$150,000 may be imposed;

3 (7) more than 5,000 grams of a prohibited substance is
4 guilty of a Class X felony for which a fine not to exceed
5 \$200,000 may be imposed.

6 (Source: P.A. 96-1440, eff. 1-1-11.)".